

**Regular Session Minutes – Selectmen’s Meeting  
Selectmen’s Meeting Room, Town Hall  
Monday, October 6, 2014 7:00 p.m.**

**PRESENT:** Margot R. Fleischman, Michael A. Rosenberg, Mark Siegenthaler, William Moonan, Caroline Fedele, and Town Manager Richard T. Reed

**ALSO PRESENT:** Fire Chief David Grunes; Finance Director Victor Garofalo; Healthy Bedford Coordinator Carla Olson; James Shea; Nathan Lopez; Cucina D owner Christina DiCenso; Charter Review Committee members Betsey Anderson, Anne Bickford, Jan Shepard, Polly Herz and Joanna Nickerson; Human Resources/Management Analyst Sarah Buhler; Planning Director Glenn Garber, Assistant Planner Catherine Perry; Community Preservation Committee chair Catherine Cordes. Assistant Town Manager Jessica Porter; Planning Board and Charter Review Committee member Amy Lloyd; Finance Committee members Ben Thomas and Stephen Carluccio; Volunteer Coordinating Committee chair Patricia Carluccio; Craig Kelly, Bedford TV; Meredith McCulloch and Mary McBride, Press Representatives

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Chair Fleischman called the meeting to order at 7:00 p.m.

**15-73            FY15 Ambulance Enterprise Fund – Proposed Amendment to Implement Town Paramedic Service**

Town Manager Richard Reed stated that staff has prepared modeling for the proposed implementation of the Town-based paramedic service. It is the intention of staff to have this as a budget amendment at the November 6, 2014 Special Town Meeting. From a financial standpoint it is better to start this process in the fall than in the spring because of the initial start-up costs. Staff can use this period before the February 6, 2014 personnel hire date to start the rate increases. If this were to be postponed until Annual Town Meeting, staff would have to use all of the retained earnings. The rate increase is still less than the regional average and most of the increase would be borne by the insurance carrier. It would not greatly impact the patients. There is not anticipated growth until FY17.

Mr. Moonan thanked Chief Grunes, Mr. Garofalo and the other staff that has worked on this.

Mr. Siegenthaler noted that it is important to recognize that this would be an important service provided to the Town without a huge increase in fees.

Chief Grunes thanked Mr. Siegenthaler for his comments and stated that his staff has done a tremendous amount of work through talking with other fire departments and hospitals to ensure the best service for the Town.

### **15-74            Community Innovation Challenge Grant Applications – Selectmen Endorsement**

Mr. Reed presented the Selectmen with three Community Innovation Challenge (CIC) Grant applications. The Middlesex 3 Coalition is hoping to receive another CIC grant to create a Transportation Management Association and to hire a Transportation and Workforce Development Coordinator. Middlesex 3 hopes to implement shuttle service for iRobot and MITRE to augment the existing bus services to help better serve commuters to and from Alewife.

The second CIC grant application is being submitted in conjunction with the Town of Lexington. This collaboration is seeking to fund another year of the REV Bus – Hartwell Area Shuttle. The program began on September 1, 2013 to provide transportation from Alewife in Cambridge to Hartwell Avenue in Lexington and Wiggins Avenue in Bedford. The original grant has run out and the Towns cannot sustain the program on their own. If the grant is awarded the Towns will work to increase ridership and cultivate funding commitments from business property owners.

Healthy Bedford Coordinator Carla Olson added that the Towns are seeking to create a park and ride area for commuters but businesses have denied this request. Specific businesses are being asked because they are not sure the current route can be changed to be near parking. The ideal area would have 20-25 spaces but that it would be great to have 12 spaces to start.

The Tick Borne Disease Network is looking for a second CIC grant to expand the network through creating/sustaining a regional Lyme Task Force, continue but reduce subsidy for tick testing for residents and obtain support from the University of Rhode Island's staff for policy and educational initiatives to become a "Tick Smart Town".

**Mr. Rosenberg made a motion to authorize the chair to renew and sign the Community Innovation Challenge Grant applications for the Middlesex 3 Coalition, the Rev Bus-Shuttle Service and Tick Borne Disease Network. Mr. Moonan seconded the motion.**

**The motion passed 4-0-0.**

### **15-75            Committee Appointment Interview – Bedford Housing Partnership**

The Selectmen interviewed Kris Washington to fill the vacancy on the Bedford Housing Partnership. Mr. Rosenberg gave an overview of the committee's responsibilities which include advocating to ensure affordable housing opportunities in Town and working with the Regional Housing Services Office and the Bedford Municipal Affordable Housing Trust.

Mr. Washington wanted to become involved in Town government since recently moving to Town. He attended many committee meetings and decided on the Bedford Housing Partnership. He found their discussions relevant and would like to learn more about the issues. Mr. Washington reported that he grew up in affordable housing and understands that it is important for society. He does not know which areas are most in need of housing opportunities because he needs to understand the process more. He added that there is a need for increased communication as there are many myths surrounding the reality of affordable housing.

Ms. Fleischman inquired about Mr. Washington's previous statements regarding affordable housing that were not in line with the goals of the committee. Mr. Washington stands by his viewpoints and believes there is a need to analyze school overcrowding issues and how they may negatively impact the Town. He is hoping to provide a different viewpoint that is still compatible with the committee's goals.

Chair Fleischman explained the Open Meeting Law, the Conflict of Interest Law, and the Rules of Civil Discourse. She also encouraged Mr. Washington to consider taking on a leadership role as chair in the future.

**15-76            Request for Liquor License Extension of Hours for November 1, 2014 –  
Cucina D – 54 Middlesex Turnpike**

Cucina D owner, Christina DiCenso requested an extension of the hours of operation from 11:00 p.m. to 12:00 a.m. for a private client function. The function has been held in previous years at an affiliated restaurant and the client wants to hold the party in the new restaurant.

The ABCC does not need to be involved in the process and it is strictly in the purview of the Selectmen to decide. The Town's Alcohol policy does not contain any provision about this other than on New Year's Eve. Mr. Moonan expressed concern that this may set a precedent and that criteria should be established. He does not think in this instance that it will be too much of a problem as the restaurant is not located in a residential area. Mr. Rosenberg supported the request but not every year.

**Mr. Rosenberg made a motion to approve the extension of hours at Cucina D from 11:00 p.m. to 12:00 a.m. on Saturday, November 1, 2014. Mr. Siegenthaler seconded the motion.  
The motion passed 4-0-0.**

**15-77            Public Hearing – Proposed Charter Amendments from Charter Review  
Committee**

**Mr. Rosenberg made a motion to open the public hearing. Mr. Moonan seconded the motion.**

**The motion passed 4-0-0.**

Town Moderator Betsey Anderson reviewed the proposed changes to the Town Charter. For simplicity the changes were arranged into 3 categories: housekeeping changes, minor changes and policy changes.

Ms. Fedele arrived at this point in the meeting.

The housekeeping changes provide clarification and eliminate unnecessary language to make the Charter consistent with current practices. The Committee proposes to eliminate the Fence Viewers and Measurers of Wood, Bark and Manure as they are no longer active. Mr. Siegenthaler noted that they had been left on there for historical purposes. Ms. Fleischman suggested that the Historian write an essay on the function of these committees.

A minor change includes extending the length of time from thirty to sixty days for the Volunteer Coordinating Committee to submit a list to the appointing authority of candidates for a vacancy. Another minor change defines the term qualified in relation to the Elected and Appointed Town Officers. Language was added to the voting of boards, commissions and committees to recognize that quorum requirements may be different depending on the committee.

The Charter Review Committee proposes the creation of a Deputy Town Moderator that could assume the duties of the Town Moderator only at Town Meeting if necessary. The Committee also proposes an increase in the membership of the Volunteer Coordinating Committee to five members. Additional members would help reach different groups of residents for vacancies on Town committees. The proposed change to the Finance Committee Appointing Authority has been removed from consideration as it would have been illegal to have a four member appointing authority. The final proposed change would increase the percentage of registered voters required for recall of elected officials from ten percent to twenty percent. Ten percent is low compared to other communities.

The hearing was opened to the public for comments.

Richard Daugherty, 49 Elm Street, noted that he believes the Finance Committee Appointing should remain as is. He also stated that the percentage of registered voters for a recall should remain at ten percent. Increasing it to twenty percent would ensure that there would be no recall as it takes 1,400 voters now to hold a recall. He also stated that the increase of membership for the VCC was a good idea but wanted to know why the majority of the VCC voted against the change. Ms. Fedele explained that the committee thought three members works because they succeeded at filling the majority of current vacancies. VCC chair Patricia Carluccio added that she is satisfied with the process of discussing the increase and has no further objections.

Meredith McCulloch, 3 Evans Avenue, asked if the proposed changes could be amended on Town Meeting Floor. Ms. Anderson replied that the amendments would either pass or be defeated but would still go on the Town Election ballot in the March.

**Mr. Rosenberg made a motion to close the public hearing. Mr. Moonan seconded the motion.**

**The motion passed 5-0-0.**

The Selectmen thanked the Charter Review Committee for all their work.

## **15-78            November 6, 2014 Special Town Meeting Warrant – Article Review and Approval**

Planning Director Glenn Garber and Assistant Planner Catherine Perry gave a summary of the proposed amendments to the Industrial Mixed Zoning Bylaw and the Landscaping, Tree Protection and Visual Screening in Developments, including Greenbelts, and Perimeter No Building Rules in Cluster and Planned Residential Developments Bylaw.

Currently, Industrial Mixed Use development is granted by special permit through the Planning Board and if amended, that will remain the case. The proposed changes described in Article 4 deal, specifically, with 1) elimination of residential as a component of mixed use ; 2) broader

consideration of how to calculate adequate parking and potential for shared parking when co-occupants have different peak hours; 3) added language regarding shuttle transportation as well as pedestrian and bicycle accommodations that would enhance connectivity; 4) an expanded scope of acceptable businesses “with the idea to encourage clusters of compatible uses that benefit and complement one another”; 5) less rigid design criteria; 6) a modest “density bonus” to provide businesses with incentives and encourage development of an “incubator area”.

Mr. Garber said these amendments to the IMU bylaw have been vetted, to a certain degree, with members of the public and the business community and have been welcomed. The impetus for change originally came from public forums held during several stages of the recently completed Comprehensive Plan.

Mr. Garber added that while the market for multi-unit residential development remains hot, the original plan to create mixed use areas that include a residential component did not pan out as conceived. Instead, it allowed developments to be approved that were largely high-density residential with “a little retail thrown in.” The often minimal retail or business parts of these developments have not proven economically viable.

Ms. Perry explained the other proposed amendment. The previous requirement of commercial development to have a tree buffer of “4 staggered rows of evergreen foliage” was too strict.

As for the residential application of the 50 foot perimeter no-building rule, Ms. Perry said it hampers homeowners from getting permits to construct things like utility sheds—especially on smaller or oddly shaped lots—and has become impractical as Bedford becomes increasingly “built out” and more development takes place on such lots.

Confusing and contradictory language in the current bylaw has also been amended so that it is easier to interpret and apply.

Community Preservation Committee (CPC) Chair Catherine Cordes explained that the CPC is recommending the continuation the three percent surcharge on property tax. The CPC is also willing to bond 50 percent of the Town Hall Building Systems Replacement project after putting forward about \$500,000 in cash. They are hoping that the Selectmen will do the same with the other half of the project using a bond premium as their cash input to reduce the total amount to be bonded. Town Meeting would vote to use the outlined funding scenarios. Right now the Facilities Department is not including rebates in the funding scenario but they do expect they will be pursuing rebates once the project is finished. There would be a 10-20 percent reduction in energy use. Mr. Reed added that it is advantageous to approve this project now so that the work may begin in the spring when the heating and cooling systems will not be in high demand.

An amendment to the CPC budget for FY15 is necessary for the kitchen and bath replacement project at Ashby Place. Funds were approved at Town Meeting to fund the kitchen and bath refurbishment and window replacements at Ashby Place. It came to the attention of staff that the projects were not actually eligible for the use of CPC funds. DOR informed staff the money could be paid out of the Municipal Affordable Housing Trust. The Trust has already paid the invoice for the window replacement to the Bedford Housing Authority with the understanding that they would be refunded using CPA money. The CPC agreed that this was the best course of

action to take for the kitchen and bath refurbishment as well. Town Meeting would need to vote to approve the transfer of funds to the Trust.

### **Article Recommendations**

**Mr. Siegenthaler made a motion to recommend approval of Article 1- Debate Rules. Mr. Rosenberg seconded the motion.**

**The motion passed 5-0-0.**

The acceptance of Article 2- Disposition of Abandoned Property would allow the Town to retain any fund deemed abandoned and credit that amount to the Town's General Fund instead of it being turned over to the State.

**Mr. Rosenberg made a motion to recommend approval of Article 2- Disposition of Abandoned Property. Ms. Fedele seconded the motion.**

**The motion passed 5-0-0.**

Mr. Reed noted that Town Counsel recommended that a sentence be deleted from Article 3 – General Bylaw Amendment – Demolition Delay since it seemed redundant. That was the only change from what was discussed at the earlier public hearing.

**Mr. Moonan made a motion to recommend approval of Article 3 – General Bylaw Amendment – Demolition Delay. Ms. Fedele seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Rosenberg made a motion to recommend approval of Article 4 – Zoning Bylaw Amendment – Industrial Mixed Use. Mr. Siegenthaler seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Siegenthaler made a motion to recommend approval of Article 5 – Zoning Bylaw Amendment – Landscaping, Tree Protection and Visual Screening in Developments, including Greenbelts, and Perimeter No Building Rules in Cluster and Planned Residential Developments. Ms. Fedele seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Rosenberg made a motion to recommend approval of Article 6 – Miscellaneous Charter Amendments. Mr. Siegenthaler seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Rosenberg made a motion to recommend approval of Article 7 – Charter Amendment – The Moderator, Election, Deputy Moderator. Ms. Fedele seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Moonan made a motion to recommend approval of Article 8 – Charter Amendment – Volunteer Coordinating Committee Membership. Ms. Fedele seconded the motion.**

**The motion passed 5-0-0.**

**Ms. Fedele made a motion to recommend approval of Article 9 – Charter Amendment – Duties of the Volunteer Coordinating Committee. Mr. Siegenthaler seconded the motion.**  
**The motion passed 5-0-0.**

The Selectmen agreed with the Charter Review Committee's recommendation to increase the required percentage of registered voters for the recall of elected official. They appreciated Mr. Daugherty's comments but believe that it is a serious issue that should require a serious number of voters to recall an elected official.

**Mr. Rosenberg made a motion to recommend approval of Article 10 – Charter Amendment – Signature Requirement for Recall Petitions of Elected Officials. Mr. Siegenthaler seconded the motion.**  
**The motion passed 5-0-0.**

Mr. Garofalo explained that portions of three bonds can be rescinded. The Bedford Street Sewer Force Main had favorable bidding. Mr. Garofalo suggested postponing a recommendation on this Article because the funds may be used for a new break along the same sewer main. It can be changed or eliminated at Town Meeting as it is known how much corrective effort will be needed. The other two bonds for the ladder truck and dump trucks can be rescinded.

**Mr. Siegenthaler moved to make a recommendation at Town Meeting for Article 11 – Rescind Prior Bond Authorizations and Related Appropriations. Mr. Rosenberg seconded the motion.**  
**The motion passed 5-0-0.**

**Mr. Moonan made a motion to recommend approval of Article 12 – Charter Amendment – Community Preservation Surcharge Effective July 1, 2015. Ms. Fedele seconded the motion.**  
**The motion passed 5-0-0.**

Mr. Moonan informed the Selectmen that the Capital Expenditure Committee did question whether all the work on the Town Hall Building Systems Replacement needed to be done at once and that they thought the project could be divided. Mr. Reed added that the committee however, did vote in favor of the full amount of the project at the September 24, 2014 meeting. The consensus vote at that meeting was 5-2-1. CapEx will vote on the warrant article at the October 8, 2014 meeting.

**Mr. Siegenthaler made a motion to recommend approval of Article 13 – Bond Authorization – Town Hall Building Systems Replacement. Ms. Fedele seconded the motion.**  
**The motion passed 5-0-0.**

**Mr. Rosenberg made a motion to recommend approval of Article 14 – Amend FY 2015 Community Preservation Budget. Ms. Fedele seconded the motion.**  
**The motion passed 5-0-0.**

The amendments to the operating budget will include using a prior article balance to pay for the modular at the schools, increasing computer expenses, increasing the abatements for appellate

court and small changes to the vocational education fund, insurance fund and reserves for homeless transportation.

**Mr. Rosenberg moved to make a recommendation at Town Meeting of Article 15 - Amend FY 2015 Operating Budgets. Ms. Fedele seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Siegenthaler made a motion to recommend approval of Article 16 – Amend FY 2015 Ambulance Enterprise Budget for Introduction of Town Advanced Life Support Services. Mr. Rosenberg seconded the motion.**

**The motion passed 5-0-0.**

Mr. Reed explained the negotiations with the Police Officers will be finished by the time of Special Town Meeting and that the Selectmen should vote to make a recommendation at Town Meeting for Article 17.

**Mr. Siegenthaler moved to make a recommendation at Town Meeting of Article 17 – Appropriate Funds for Bedford Police Officers Collective Bargaining Agreement – FY 2015. Mr. Rosenberg seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Siegenthaler made a motion to recommend approval of Article 18 – Stabilization Fund Appropriations. Mr. Rosenberg seconded the motion.**

**The motion passed 5-0-0.**

Mr. Reed presented a memo from the Cable Television Committee requesting an amendment to the Cable Television Franchise Fees & Revenue Revolving Fund. The committee is concerned that they may reach the \$200,000 spending cap before the end of the fiscal year. Mr. Reed stated that this can wait until Annual Town Meeting without impacting their operations. Mr. Moonan asked what would happen if an unexpected major expense occurred. Mr. Garofalo stated that the Finance Committee could grant a temporary reserve request or money could be used from the cable TV gift accounts.

**Mr. Siegenthaler made a motion to approve the November 6, 2014 Special Town Meeting Warrant as amended. Mr. Rosenberg seconded the motion.**

**The motion passed 5-0-0.**

#### **15-79            November 4, 2014 State Election Warrant – Approval**

**Mr. Rosenberg made a motion to approve the November 4, 2014 State Election Warrant. Ms. Fedele seconded the motion.**

**The motion passed 5-0-0.**



**15-80            Miscellaneous Action Items – Committee Liaison Appointment – One Day Special Liquor License – Alcoholic Beverage License Premise Modification – Chapter 268A, Section 20(b) Exemption**

Ms. Fedele moved that the Selectmen appoint Andreas Uthoff as the Conservation Commission member of the Trail's Committee for a term ending June 30, 2015. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Mr. Moonan made a motion to grant a one-day special alcohol license to Prince Street Café f/b/o Tossos Kennos and Georgia Demetriades at Old Town Hall on November 1, 2014. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler moved to amend the modification of premises for the Great Wall at 309B The Great Road previously approved at the September 8, 2014 Selectmen's meeting so as to add the new screening wall. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to grant waivers under Chapter 268A Section 20(b) to Irenes Despradel and Jennifer Smith Foster. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to appoint Kris Washington to the Bedford Housing Partnership for a term ending June 30, 2017. Mr. Siegenthaler seconded the motion.

Ms. Fleischman did express some concern but recognized his enthusiasm about becoming involved in Town government.

The motion passed 4-0-1, Ms. Fedele abstained because she was not present for the interview.

**15-81            Minutes – Regular Session – September 22, 2014**

Mr. Rosenberg made a motion to approve the minutes of September 22, 2014 as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**15-82            Town Manager's Report**

Mr. Reed asked the Selectmen to sign a reimbursement request for the MassDOT Winter Recovery Program.

**15-83            Open Discussion and Selectmen Liaison Reports**

Mr. Moonan referenced a letter from the Air Force regarding the installation of solar panels on Hartwell Road. He wondered if this would open up an opportunity for the Town to ask for the Air Force to pave their portion of Hartwell Road. Mr. Reed said that he would have to check the boundary lines to determine ownership of that land.

Mr. Moonan asked if progress has been made on the study of the Police and Fire stations. Mr. Reed replied that it has not.

Ms. Fedele reported that the Fields Partnership has been meeting to discuss the fields on the St. Michaels property. They have been discussing what type of field should be implemented on that property. They are not ready to make a recommendation yet. Mr. Reed added that this will be discussed at the next Selectmen's meeting. There is pricing for both turf and grass fields.

Mr. Rosenberg asked if any of the Selectmen would be attending the benefit to celebrate the retirement of President Cowan from Middlesex Community College.

Mr. Rosenberg also attended the Wing Commanders community briefing and there was concern over the budget at Hanscom but there is an overall good future for the base.

Mr. Reed informed the Selectmen that a legislative breakfast will be hosted at Old Town Hall at 8:00 a.m. on October 17, 2014.

Ms. Fleischman attended the MAGIC Transportation Forum. A representative of the Executive Office of Elder Affairs suggested putting a question about the senior transportation needs on the Citizen Survey.

**Mr. Rosenberg made a motion to adjourn into Executive Session for the purpose of discussing collective bargaining strategy not to return to open session. Mr. Siegenthaler seconded the motion.**

**The Selectmen were polled: Rosenberg, aye, Moonan, aye, Fedele, aye, Siegenthaler aye and Fleischman, aye.**

The Regular Session meeting adjourned at 10:21 p.m.